

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN A. GRIFFIN,)
)
Petitioner,)
)
v.) Case No. 08 C 3323
)
TANYA GRIFFIN)
)
Respondent.)

MOTION TO STRIKE ANSWER TO PETITION

Petitioner John A. Griffin, by his attorneys Quarles & Brady, LLP, moves to strike certain portions of the Answer filed by Respondent Tanya Griffin. In support of this Motion, Petitioner states as follows:

1. Petitioner commenced this action on June 9, 2008 by filing his Petition for the Return of Children. On July 9, 2008, Respondent filed her Answer. The Answer was electronically served on Petitioner's counsel on July 11, 2008.
2. Respondent's Answer fails to comply with Fed. R. Civ. Pr. 8(b). Specifically, Respondent's answers to paragraphs 7, 8, 11, 12, 13, 14, 15, 16, and 18 of the Petition contain improper "affirmative allegations" and narrative responses which should be stricken. Additionally, Respondent's Answer violates Local Rule 10.1 which requires that responsive pleadings, "shall be made in numbered paragraphs each corresponding to and stating a concise summary of the paragraph to which it is directed." Respondent's failure to comply with Local rule 10.1 and improper affirmative allegations is grounds for striking Respondent's answers to these paragraphs, or alternatively, deeming these paragraphs admitted pursuant to Fed. R. Civ. P. 8(b).

3. In support of this motion, Petitioner incorporates his Memorandum of Law in support of Motion to Strike Respondent's Answer, which is filed contemporaneously herewith, as well as all prior pleadings and matters of record.

WHEREFORE, Petitioner John A. Griffin, prays that this Honorable Court will enter an Order for the following:

- a) striking Respondent's Answer; or
- b) striking Respondent's answers to paragraphs 7, 8, 11, 12, 13, 14, 15, 16, and 18 of the Petition, or deem them admitted; and
- c) granting such other and further relief as this Honorable Court deems appropriate and just.

Dated: July 28, 2008

Respectfully submitted:

/s/ Steven V. Hunter

By one of the attorneys for Petitioner
John A. Griffin

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